

1 BEFORE THE TEACHER STANDARDS AND PRACTICES COMMISSION
2 OF THE STATE OF OREGON
3

4 In the Matter of the Educator License of) DEFAULT ORDER OF
5 KELLIE PATRICIA WHITLOW) PUBLIC REPRIMAND
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8 On September 12, 2012, the Teacher Standards and Practices Commission (Commission)
9 issued a Notice of Opportunity for Hearing to Kellie Patricia Whitlow (Whitlow) in which the
10 Commission charged her with Gross Neglect of Duty. The Notice was sent via U.S. First Class
11 Mail and U.S. Certified Mail Receipt 7011 2000 0001 1292 0356 to the address on file with the
12 Commission. The Notice designated the Commission file as the record for purposes of proving a
13 prima facie case. The Certified Mail was returned to the Commission "Unclaimed" on October
14 15, 2012. The regular mail was not returned to the Commission. The Notice of Opportunity of
15 Hearing, dated September 12, 2012, and signed by Victoria Chamberlain, Executive Director,
16 stated:

17 "IF A REQUEST FOR HEARING IS NOT RECEIVED WITHIN THIS 21-DAY PERIOD,
18 YOUR RIGHT TO A HEARING SHALL BE CONSIDERED WAIVED UNLESS YOUR
19 FAILURE TO REQUEST A HEARING WAS BEYOND YOUR REASONABLE CONTROL.
20 IF YOU DO NOT REQUEST A HEARING OR IF YOU FAIL TO APPEAR AT A
21 HEARING, THE COMMISSION WILL ADOPT AN ORDER OF DEFAULT WHICH MAY
22 INCLUDE THE REVOCATION OR SUSPENSION OF YOUR LICENSE OR OTHER
23 DISCIPLINE."
24

25 Whitlow did not request a hearing. The Commission, therefore, finds Whitlow to be in default
26 and enters the following findings of fact, conclusions of law, and final order, based on the files
27 and records of the Commission concerning this matter.

28 **FINDINGS OF FACT**

- 29 1. Kellie Patricia Whitlow has been licensed by the Commission since March 4, 2004.
30 Whitlow's Initial I Teaching License, with endorsements in Language Arts (HS, ML) and
31 Multiple Subjects (MIDLVL), was issued September 16, 2010, and expires on March 4, 2014.
32 During all relevant times, Whitlow was employed by the Mt. Angel School District.
- 33 2. On February 18, 2011, during the administration of the State of Oregon Writing Assessment test,
34 Whitlow violated state test administration guidelines. As the test administrator, Whitlow provided
35 non-approved resources to students during the testing. Specifically, Whitlow provided copies of
36 writing samples in a handout and allowed them to be used by students during the testing process.
37 These non-approved resources were printed on the back side of documents that did contain
38 approved resources. The incident was reported to the ODE and the test was invalidated for several
39 students. The 2011 testing incident was Whitlow's second violation of state testing standards. In

1 April of 2009, Whitlow allowed students access to un-approved resources during state testing.
2 Review of the 2009 testing impropriety by the ODE also led to invalidation of the testing process,
3 and the students had to be retested.

4 **CONCLUSIONS OF LAW**

5 Whitlow's conduct described in section two (2) above, constitutes gross neglect of duty in
6 violation of ORS 342.175(1)(b); OAR 584-020-0040(4)(n) as it incorporates OAR 584-020-
7 0010(5) (*Use professional judgment*) and OAR 584-020-0025(e) (Using district lawful and
8 reasonable rules and regulations).

9 The Commission's authority to impose discipline in this matter is based upon
10 ORS 342.175.

11 **FINAL ORDER**

12 The Commission hereby issues a Public Reprimand upon Kellie Patricia Whitlow's
13 Educator licensure.

14 IT IS SO ORDERED THIS 24th day of April, 2013.

15 TEACHER STANDARDS AND PRACTICES COMMISSION

16 

17 By: _____
18 Victoria Chamberlain, Executive Director
19
20

21 **NOTICE OF APPEAL OR RIGHTS**

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23 YOU ARE ENTITLED TO JUDICIAL REVIEW OF THIS ORDER. JUDICIAL REVIEW MAY BE
24 OBTAINED BY FILING A PETITION FOR REVIEW WITHIN 60 DAYS FROM THE SERVICE OF
25 THIS ORDER. JUDICIAL REVIEW IS PURSUANT TO THE PROVISIONS OF ORS 183.482 TO
26 THE OREGON COURT OF APPEALS.